

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 15-0086

STATE v. BIBBINS

Appellate Case Information

Case Filed: 2-Feb-2015

Case Closed: 15-Jul-2016

Reinstated x 1: 22-Aug-2016

Re-Closed:

Decision

Dept/Composition

Department B

Hon. Diane M Johnsen

Hon. Kent E Cattani

Hon. John C Gemmill

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Joseph T Maziarz, Esq. (AZ Bar No. 9212)

Side 2. KEVIN JOSEPH BIBBINS, Appellant

(Litigant Group) KEVIN JOSEPH BIBBINS

- Kevin Joseph Bibbins

Attorneys for: Appellant

Daniel J DeRienzo, Esq. (AZ Bar No. 10597)

CASE STATUS

Dec 22, 2016....Pending Closure

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MOH S8015CR201400814	Aggravated Assault, Class 3; Disorderly Conduct Involving Weapon, Class 6	5.25 Years; 1.75 Years	Steven F Conn, Sentencing	JURY	

DESCENDENT CASE(S)

ASC CR-16-0322-PR

OPEN DUE DATE

Stay request (re: Writ of Certiorari) due

Due By: Wednesday, January 11, 2017

Re: Minute Letter of ASC: Petition for Review DENIED

CASE DECISION

04-Feb-2016 MEMORANDUM DECISION

John Gemmill.....Author

Diane Johnsen.....Concur

Kent Cattani.....Concur

Filed: 04-Feb-2016

Mandate: 15-Jul-2016

Decision Disposition

Affirmed

72 PROCEEDING ENTRIES

1. 2-Feb-2015 FILED: Notice of Appeal from Mohave County Superior Court filed 01/22/15.

2. 2-Feb-2015 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits:
E1, E3, E4, E5 filed with e-Record

3. 13-Feb-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record

4. 25-Feb-2015 FILED: Reporter's Transcript-12/16/14-Jury Trial-Day 1 (James Glover)

5. 25-Feb-2015 FILED: Reporter's Transcript-12/17/14-Jury Trial- Day 2 (James Glover)

6. 25-Feb-2015 FILED: Reporter's Transcript-1/20/15-Judgment and Sentencing (James Glover)

7. 25-Feb-2015 FILED: Minute Entry dated 02-25-2015, re: Appellant Counsel

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8. 26-Feb-2015 FILED: Notice of Completion of Record
9. 23-Mar-2015 FILED: Motion to Supplement the Record; Request for Extension of Time to File Opening Brief; Certificate of Service (Appellant)
10. 1-Apr-2015 ORDERED: Motion to Supplement the Record(Appellant) = GRANTED/Transcripts due 05/01/2015. FURTHER ORDERED: Request for Extension of Time to File Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 04-13-2015 to Monday, 06-01-2015. Anthony Mackey ProTem Judge - Author
11. 22-Apr-2015 FILED: Reporter's Transcript-11/24/14-Oral Argument (James Glover)
12. 22-Apr-2015 FILED: Reporter's Transcript-12/1/14-Final Management Conference/Hearing (James Glover)
13. 22-Apr-2015 FILED: Reporter's Transcript-8/4/14-Case Management Hearing/Request for New Attorney (James Glover)
14. 22-Apr-2015 FILED: Reporter's Transcript-8/28/14-Motion Regarding Release Conditions (James Glover)
15. 22-Apr-2015 FILED: Reporter's Transcript-9/22/14-Ombinus Hearing (James Glover)
16. 22-Apr-2015 FILED: Reporter's Transcript-10/7/14-Hearing on Request for New Attorney (James Glover)
17. 23-Apr-2015 FILED: Reporter's Transcript-11/24/14-Oral Argument (James Glover)
18. 6-May-2015 FILED: Notice of Appearance; Certificate of Service (Appellant)
19. 12-May-2015 ORDERED: Notice of Appearance (Appellant) = GRANTED/Substituting Daniel J. DeRienzo as counsel for appellant. Anthony Mackey ProTem Judge - Author
20. 26-May-2015 FILED: Motion for Extension of Time for Filing Opening Brief; Certificate of Service (Appellant)
21. 28-May-2015 ORDERED: Motion for Extension of Time for Filing Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 06-01-2015 to Wednesday, 07-01-2015. Anthony Mackey ProTem Judge - Author
22. 1-Jul-2015 FILED: Appellant's Opening Brief (Anders); Certificate of Compliance; Certificate of Service (Appellant)
23. 2-Jul-2015 ORDERED: Allowing appellant to file supplemental brief in propria persona; FURTHER ORDERED: Counsel to send copy of record to appellant, and copy of transmittal letter to Clerk/AG; FURTHER ORDERED: Appellant may raise additional points on/before 8/11/15; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
24. 16-Jul-2015 FILED: Notice of Mailing; Certificate of Service; Transmittal Letter (Appellant)
25. 21-Jul-2015 FILED: Letter from Appellant re: Supplies/Counsel
26. 23-Jul-2015 FILED: Letter, dated 07/23/2015, to Appellant from Counsel re: Forwarding records on appeal
27. 24-Jul-2015 FILED: Motion to Fire Attorney (Appellant Pro Per)
28. 27-Jul-2015 FILED: Motion for New Appointment of Counsel (Appellant Pro Per)
29. 28-Jul-2015 ORDERED: Motion for New Appointment of Counsel (Appellant Pro Per) = DENIED. FURTHER ORDERED: Appellant's Pro Se Supplemental Brief due by 08/28/2015. Anthony Mackey ProTem Judge - Author
30. 7-Aug-2015 FILED: Untitled: Motion to Compel (Appellant Pro Per)
31. 25-Aug-2015 ORDERED: Untitled: Motion to Compel (Appellant Pro Per) = GRANTED/Directing appellant's counsel, Daniel J. DeRienzo, if he has received the appellant's pro se supplemental brief, to file the pro se supplemental brief with this court on or before 08/31/15. Anthony Mackey ProTem Judge - Author
32. 31-Aug-2015 FILED: Counsel's Notice to the Court re: Order on Motion to Compel, and Request for Extension for Pro Se Filing; Certificate of Service (Appellant)
33. 3-Sep-2015 FILED: Letter, 8/30/15, from Appellant to Court re: Supplemental Brief filing issues

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34. 8-Sep-2015 ORDERED: Counsel's Notice to the Court Re: Order On Motion to Compel Request for Extension for Pro Se Filing (Appellant) = GRANTED/Pro Se Supplemental Brief due date EXTENDED from Monday, 08-31-2015 to Friday, 10-09-2015. Anthony Mackey ProTem Judge - Author
35. 16-Sep-2015 FILED: Notice of New Address of Counsel for Appellant; Certificate of Service (Appellant)
36. 24-Sep-2015 FILED: Appellant's Supplemental Brief in Pro-Se (Appellant, Pro Per)
37. 28-Sep-2015 FILED: Assigning Anders appeal to Dept B for consideration and disposition. [Ruth Willingham, Clerk]
38. 28-Sep-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
39. 28-Sep-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
40. 19-Oct-2015 FILED: Untitled: Request for Assistance Regarding Mail/Attorney Issues (Appellant Pro Per)
41. 19-Oct-2015 FILED: Addition to Appellant's Supplemental Brief in Pro Se (Appellant, Pro Per)
42. 28-Oct-2015 FILED: Addition to Appellant's Supplemental Brief in Pro Se (Appellant, Pro Per)
43. 29-Oct-2015 FILED: Letter, 10/23/15, from Appellant to Court, requesting confirmation of filings
44. 6-Nov-2015 FILED: Letter, 11/6/15, from Court to Petitioner, enclosing copy of docket
45. 9-Nov-2015 FILED: Untitled Letter Regarding Documents Filed/Issues With Attorney (Appellant Pro Per)
46. 11-Jan-2016 FILED: Certificate of Mailing re: Untitled Motion to Change Attorney
47. 11-Jan-2016 FILED: Untitled Motion: Concerns/Clarification (Appellant Pro Per)
48. 25-Jan-2016 FILED: Supplement to Page 3, 1a (Appellant Pro Per)
49. 3-Feb-2016 ORDERED: Untitled: Request for Assistance Regarding Mail/Attorney Issues; Untitled Letter Regarding Documents Filed/Issues With Attorney; Untitled Motion: Concerns/Clarification (Appellant Pro Per)= DENIED/Denying the various forms of relief requested. Hon John C Gemmill - Author
50. 4-Feb-2016 MEMORANDUM DECISION (Affirmed) Hon John C Gemmill - Author; Hon Diane M Johnsen - Concur; Hon Kent E Cattani Judge - Concur (Motion for reconsideration extended thirty days from date of this decision.)
51. 4-Feb-2016 FILED: Memorandum Decision Distribution List
52. 3-Mar-2016 FILED: Certificate of Mailing re: Motion for Extension of Time
53. 3-Mar-2016 FILED: Motion for Extension of Time (Motion for Reconsideration) (Appellant Pro Per)
54. 7-Mar-2016 FILED: Motion for Reconsideration (Appellant Pro Per)
55. 7-Mar-2016 FILED: Certificate of Mailing re: Motion for Reconsideration
56. 9-Mar-2016 ORDERED: Motion for Extension of Time (Motion for Reconsideration) (Appellant Pro Per)= DENIED as moot. Hon John C Gemmill - Author
57. 17-Mar-2016 FILED: Letter, 3/13/16, from Appellant to Court, requesting copy of Motion for Reconsideration
58. 23-Mar-2016 FILED: Letter, 3/23/16, from Court to Appellant, re: Copy Request
59. 27-Apr-2016 FILED: Motion for Appointment of Counsel (Appellant)
60. 27-Apr-2016 FILED: Certificate of Mailing re: Motion for Appointment of Counsel
61. 6-May-2016 FILED: Untitled Motion to Change Attorney: Motion for Appointment of Counsel (Appellant)
62. 6-May-2016 FILED: Certificate of Mailing re: Untitled Letter

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63.	12-May-2016	FILED: Certificate of Mailing re: Untitled Motion to Change Attorney; Motion for Appointment of Counsel
64.	12-May-2016	FILED: Untitled Motion to Change Attorney; Motion for Appointment of Counsel (Appellant)
65.	15-Jun-2016	ORDERED: Motion for Reconsideration (Appellant Pro Per) = DENIED. FURTHER ORDERED: Motion for Appointment of Counsel = DENIED. FURTHER ORDERED: Untitled Motion to Change Attorney; Motion for Appointment of Counsel = DENIED. FURTHER ORDERED: Untitled Motion to Change Attorney; Motion for Appointment of Counsel = DENIED. Hon John C Gemmill - Author
66.	12-Jul-2016	FILED: Letter, 7/12/16, from Court to Appellant, returning Motion for Reconsideration submitted 7/5/16
67.	15-Jul-2016	FILED: Mandate, No record returned to superior court.
68.	22-Aug-2016	FILED: Email Notice from ASC re: Petition for Review filed 8/19/16; request for partial record
69.	22-Aug-2016	FILED: Letter forwarding partial record to Arizona Supreme Court
70.	22-Aug-2016	ORDERED: Reinstating this appeal for the purpose of transferring documents requested by the Arizona Supreme Court for review. Ruth Willingham [sic] - Author
71.	22-Aug-2016	FILED: ASC Order filed 08/22/2016 re: granting the motion for extension of time. The Petition for Review filed on 08/19/2016 shall be deemed timely filed and denying the "Motion for Appointment of Counsel in 'Pro Bono'"
72.	22-Dec-2016	FILED: Letter from ASC, 12/22/2016, re: Petition for Review DENIED on 12/22/2016